

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROGER T. JOHNSON,)	
)	
Plaintiff,)	
)	
)	CASE NO. 3:12-0195
vs.)	JUDGE SHARP/KNOWLES
)	
)	JURY DEMAND
ROLAND COLSON, et al.,)	
)	
Defendants.)	

ORDER

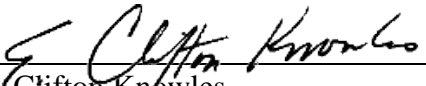
This matter is before the Court upon the pro se prisoner's "Motion for Leave to Take Michael Bryant's Deposition Upon Written Questions" (Docket No. 108) and Plaintiff's "Motion to Supplement Plaintiff's Motion for Leave to Take Michael Bryant's Deposition Upon Written Questions (Docket No. 111). The first of the Motions was filed on November 22, 2013, while the second was filed November 27, 2013. Defendant Evelyn Thompson, who is the only remaining Defendant in this action, has objected to the initial Motion on grounds that the Court's Scheduling Order, entered May 16, 2013 (Docket No. 83), set the discovery cut-off deadline at November 20, 2013. Defendant argues that this case has been pending since February 2012, and Plaintiff has offered no good cause for his failure to pursue the discovery he seeks prior to the discovery deadline of November 20, 2013. Docket No. 113.

Fed. R. Civ. P. 16(b)(4) states in relevant part, "A schedule [in a Scheduling Order] may be modified only for good cause and with the judge's consent." Plaintiff has not shown good cause for extending the discovery deadline.

Moreover, even prior to the expiration of the discovery deadline, Plaintiff did not need leave of Court to take the deposition of Mr. Bryant upon written questions. According to the instant Motion, Mr. Bryant is a Supervisor and presumably is not confined in prison. *See* Fed. R. Civ. P. 31(a)(2)(B).

For the foregoing reasons, the “Motion for Leave to Take Michael Bryant’s Deposition Upon Written Questions” is DENIED. The Motion to supplement that Motion (Docket No. 111) is DENIED AS MOOT.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge